

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Crossman, *et al.*  
SERIAL NUMBER: 10/823,197 EXAMINER: Carla J. Myers  
FILING DATE: April 12, 2004 ART UNIT: 1634  
FOR: DIAGNOSTICS AND THERAPEUTICS FOR RESTENOSIS

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**TERMINAL DISCLAIMER**

Interleukin Genetics, Inc., the owner of 100 per cent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,268,142. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,268,142 is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent and patent application, as presently shortened by any terminal disclaimer, in the event that either the prior patent or patent application later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed

in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned Applicant's representatives file this Terminal Disclaimer under 37 C.F.R. § 1.34(a). A check in the amount of \$65.00 to cover the terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included. The Commissioner is authorized to charge any additional fees or make any credits to the account of the undersigned, Deposit Account No. 50-0311, Ref. No. 24299-514 CIP2A DIV.

Respectfully submitted,

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Dated: July 19, 2007